

FILED

SEP 27 2017

Clark U.S. District Court
District of Montana
Missoula
MISSOURI

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DOUGLAS JAMES CARNELL,

Plaintiff,

vs.

BRANDY HOUSER, et al.,

Defendants.

CV 17-22-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendations in this case on August 28, 2017, recommending that this action be dismissed for failure to state a claim. Plaintiff Douglas James Carnell (“Carnell”) failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error,

IT IS ORDERED that Judge Lynch’s Findings and Recommendations (Doc. 8) is ADOPTED IN FULL.

(1) This matter is DISMISSED.

- (2) The Clerk of Court is directed to close this matter and enter judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.
- (3) The Clerk of Court is directed to have the docket reflect that this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g) based upon Carnell's failure to state a claim.
- (4) The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint lacks arguable substance in law or fact.

DATED this 27th day of September, 2017.



Dana L. Christensen, Chief Judge
United States District Court